



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 1381

2 AMENDMENT NO. _____. Amend Senate Bill 1381 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Sections 25-80 and 25-85 as follows:

6 (30 ILCS 500/25-80 new)

7 Sec. 25-80. Government contracts. Each chief procurement
8 officer may authorize, when in the best interest of the State,
9 a State agency to procure supplies and services, including but
10 not limited to technology supplies and services, without any
11 method of source selection otherwise required by this Code,
12 from a vendor with a current contract with a unit of local
13 government in Illinois, an Illinois school district, or an
14 Illinois community college under the Public Community College
15 Act. The intended contract must have been let pursuant to
16 competitive selection procedures reasonably comparable to

1 procedures used by the State of Illinois. The purchase must be
2 for substantially similar supplies or services and under the
3 same or better terms and conditions. Details of the
4 determination and intent to use another governmental entity's
5 contract shall be published in the appropriate volume of the
6 Illinois Procurement Bulletin for a period of 14 days prior to
7 execution of the new contract to allow for a challenge period
8 to the determination of best interest. Contracts resulting from
9 this process shall contain all statutory provisions required by
10 Illinois law and rule.

11 "Unit of local government" is defined as provided in
12 Section 1 of Article VII of the Illinois Constitution.

13 (30 ILCS 500/25-85 new)

14 Sec. 25-85. Cooperative purchasing. Each chief procurement
15 officer may authorize, when in the best interest of the State,
16 without any method of source selection otherwise required by
17 this Code, a State agency to enter into agreements with other
18 State governmental entities, or consortia of other State
19 governmental entities, for the purpose of jointly procuring
20 supplies and services. The State of Illinois may act as the
21 lead or as a participant in such agreements. All solicitations
22 and awards resulting from any cooperative purchasing agreement
23 shall be published in the appropriate volume of the Illinois
24 Procurement Bulletin in compliance with current solicitation,
25 protest, and award publication requirements. Contracts

1 resulting from cooperative purchasing agreements shall contain
2 all statutory provisions required by Illinois law and rule. The
3 State procuring agency shall ensure Illinois distributors
4 participate to the maximum extent practicable.

5 Section 10. The Business Enterprise for Minorities,
6 Females, and Persons with Disabilities Act is amended by
7 changing Section 2 as follows:

8 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

9 (Section scheduled to be repealed on September 6, 2008)

10 Sec. 2. Definitions.

11 (A) For the purpose of this Act, the following terms shall
12 have the following definitions:

13 (1) "Minority person" shall mean a person who is a citizen
14 or lawful permanent resident of the United States and who is:

15 (a) African American (a person having origins in any of
16 the black racial groups in Africa);

17 (b) Hispanic (a person of Spanish or Portuguese culture
18 with origins in Mexico, South or Central America, or the
19 Caribbean Islands, regardless of race);

20 (c) Asian American (a person having origins in any of
21 the original peoples of the Far East, Southeast Asia, the
22 Indian Subcontinent or the Pacific Islands); or

23 (d) Native American or Alaskan Native (a person having
24 origins in any of the original peoples of North America).

1 (2) "Female" shall mean a person who is a citizen or lawful
2 permanent resident of the United States and who is of the
3 female gender.

4 (2.05) "Person with a disability" means a person who is a
5 citizen or lawful resident of the United States and is a person
6 qualifying as being disabled under subdivision (2.1) of this
7 subsection (A).

8 (2.1) "Disabled" means a severe physical or mental
9 disability that:

10 (a) results from:

11 amputation,

12 arthritis,

13 autism,

14 blindness,

15 burn injury,

16 cancer,

17 cerebral palsy,

18 cystic fibrosis,

19 deafness,

20 head injury,

21 heart disease,

22 hemiplegia,

23 hemophilia,

24 respiratory or pulmonary dysfunction,

25 mental retardation,

26 mental illness,

1 multiple sclerosis,
2 muscular dystrophy,
3 musculoskeletal disorders,
4 neurological disorders, including stroke and epilepsy,
5 paraplegia,
6 quadriplegia and other spinal cord conditions,
7 sickle cell anemia,
8 specific learning disabilities, or
9 end stage renal failure disease; and

10 (b) substantially limits one or more of the person's major
11 life activities.

12 Another disability or combination of disabilities may also
13 be considered as a severe disability for the purposes of item
14 (a) of this subdivision (2.1) if it is determined by an
15 evaluation of rehabilitation potential to cause a comparable
16 degree of substantial functional limitation similar to the
17 specific list of disabilities listed in item (a) of this
18 subdivision (2.1).

19 (3) "Minority owned business" means a business concern
20 which is at least 51% owned by one or more minority persons, or
21 in the case of a corporation, at least 51% of the stock in
22 which is owned by one or more minority persons; and the
23 management and daily business operations of which are
24 controlled by one or more of the minority individuals who own
25 it.

26 (4) "Female owned business" means a business concern which

1 is at least 51% owned by one or more females, or, in the case of
2 a corporation, at least 51% of the stock in which is owned by
3 one or more females; and the management and daily business
4 operations of which are controlled by one or more of the
5 females who own it.

6 (4.1) "Business owned by a person with a disability" means
7 a business concern that is at least 51% owned by one or more
8 persons with a disability and the management and daily business
9 operations of which are controlled by one or more of the
10 persons with disabilities who own it. A not-for-profit agency
11 for persons with disabilities that is exempt from taxation
12 under Section 501 of the Internal Revenue Code of 1986 is also
13 considered a "business owned by a person with a disability".

14 (4.2) "Council" means the Business Enterprise Council for
15 Minorities, Females, and Persons with Disabilities created
16 under Section 5 of this Act.

17 (5) "State contracts" shall mean all State contracts,
18 funded exclusively with State funds which are not subject to
19 federal reimbursement, whether competitively bid or negotiated
20 as defined by the Secretary of the Council and approved by the
21 Council.

22 "State construction contracts" means all State contracts
23 entered into by a State agency or State university for the
24 repair, remodeling, renovation or construction of a building or
25 structure, or for the construction or maintenance of a highway
26 defined in Article 2 of the Illinois Highway Code.

1 (6) "State agencies" shall mean all departments, officers,
2 boards, commissions, institutions and bodies politic and
3 corporate of the State, but does not include the Board of
4 Trustees of the University of Illinois, the Board of Trustees
5 of Southern Illinois University, the Board of Trustees of
6 Chicago State University, the Board of Trustees of Eastern
7 Illinois University, the Board of Trustees of Governors State
8 University, the Board of Trustees of Illinois State University,
9 the Board of Trustees of Northeastern Illinois University, the
10 Board of Trustees of Northern Illinois University, the Board of
11 Trustees of Western Illinois University, municipalities or
12 other local governmental units, or other State constitutional
13 officers.

14 (7) "State universities" shall mean the Board of Trustees
15 of the University of Illinois, the Board of Trustees of
16 Southern Illinois University, the Board of Trustees of Chicago
17 State University, the Board of Trustees of Eastern Illinois
18 University, the Board of Trustees of Governors State
19 University, the Board of Trustees of Illinois State University,
20 the Board of Trustees of Northeastern Illinois University, the
21 Board of Trustees of Northern Illinois University, and the
22 Board of Trustees of Western Illinois University.

23 (8) "Certification" means a determination made by the
24 Council or by one delegated authority from the Council to make
25 certifications, or by a State agency with statutory authority
26 to make such a certification, that a business entity is a

1 business owned by a minority, female, or person with a
2 disability for whatever purpose.

3 (9) "Control" means the exclusive or ultimate and sole
4 control of the business including, but not limited to, capital
5 investment and all other financial matters, property,
6 acquisitions, contract negotiations, legal matters,
7 officer-director-employee selection and comprehensive hiring,
8 operating responsibilities, cost-control matters, income and
9 dividend matters, financial transactions and rights of other
10 shareholders or joint partners. Control shall be real,
11 substantial and continuing, not pro forma. Control shall
12 include the power to direct or cause the direction of the
13 management and policies of the business and to make the
14 day-to-day as well as major decisions in matters of policy,
15 management and operations. Control shall be exemplified by
16 possessing the requisite knowledge and expertise to run the
17 particular business and control shall not include simple
18 majority or absentee ownership.

19 (10) "Business concern or business" means a business that
20 has average annual gross sales over the 3 most recent calendar
21 years of less than \$31,400,000 as evidenced by the federal
22 income tax return of the business. Each July 1 this cap shall
23 be adjusted for inflation as determined by the Consumer Price
24 Index for All Urban Consumers as determined by the United
25 States Department of Labor and rounded to the nearest \$100. A
26 firm with gross sales in excess of this cap may apply to the

1 Council for certification for a particular contract if the firm
2 can demonstrate that the contract would have significant impact
3 on businesses owned by minorities, females, or persons with
4 disabilities as suppliers or subcontractors or in employment of
5 minorities, females, or persons with disabilities. "Business
6 concern or business" means a business which has annual gross
7 sales for the most recent fiscal year of less than \$27,000,000,
8 except that a firm with gross sales in excess of that amount
9 may apply to the Council for certification for a particular
10 contract if the firm can demonstrate that the contract would
11 have significant impact on businesses owned by minorities,
12 females, or persons with disabilities as suppliers or
13 subcontractors or in employment of minorities, females, or
14 persons with disabilities.

15 (B) When a business concern is owned at least 51% by any
16 combination of minority persons, females, or persons with
17 disabilities, even though none of the 3 classes alone holds at
18 least a 51% interest, the ownership requirement for purposes of
19 this Act is considered to be met. The certification category
20 for the business is that of the class holding the largest
21 ownership interest in the business. If 2 or more classes have
22 equal ownership interests, the certification category shall be
23 determined by the Department of Central Management Services.

24 (Source: P.A. 92-670, eff. 7-16-02.)".